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6 MANUEL MALDONADO, RASHAAD COLEMAN,
NEIL GUNN, DAVID MEJIA,
7 and SAM ANDERSON

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

11 LURING PAIALII,
12 Plaintiff,
13 v.

14 CITY OF BURBANK; MANUEL
MALDONADO; RASHAAD
15 COLEMAN; N. GUNN; D. MEJIA; S.
ANDERSON; and DOES 1 through 10,
16 inclusive,

17 Defendants.

) Case No.: 2:24-cv-08890-CAS-PVC
)
) Assigned to the Hon. Christina A.
) Snyder
) Courtroom 8D, 8th Floor

) **DEFENDANTS' REQUEST FOR**
) **JUDICIAL NOTICE IN SUPPORT**
) **OF MOTION FOR JUDGMENT ON**
) **THE PLEADINGS [FRCP 12(c)]**

) **[FILED CONCURRENTLY WITH**
) **NOTICE OF MOTION AND**
) **MOTION; DECLARATION OF**
) **RODOLFO AGUADO III;**
) **PROPOSED ORDER]**

) Date: May 5, 2025
) Time: 10:00 a.m.
) Ctrm: 8D

) Complaint Filed: November 5, 2024
) Trial Date: April 7, 2026

Defendants City of Burbank, Manuel Maldonado, Rashaad Coleman, Neil Gunn, David Mejia, and Sam Anderson (collectively “Defendants”) hereby requests that the Court take judicial notice of the following:

1. The Felony Complaint filed on September 14, 2023 in *The People of the State of California v. Luring Tygresaul Paialii*, Case No. GA115256 (Superior Court of the State of California for the County of Los Angeles). A true and correct copy of this document is attached hereto as **Exhibit 1**.
2. The Minute Order filed on February 7, 2024 in *The People of the State of California v. Luring Tygresaul Paialii*, Case No. GA115256 (Superior Court of the State of California for the County of Los Angeles). A true and correct copy of this document is attached hereto as **Exhibit 2**.
3. The Misdemeanor Advisement of Rights, Waiver and Plea Form filed on February 7, 2024 in *The People of the State of California v. Luring Tygresaul Paialii*, Case No. GA115256 (Superior Court of the State of California for the County of Los Angeles). A true and correct copy of this document is attached hereto as **Exhibit 3**.

Pursuant to Federal Rule of Evidence 201, a court “may take judicial notice of “matters of public record” without converting a motion challenging the pleadings into a motion for summary judgment, if the facts noticed are not “subject to reasonable dispute.” *Intri-Plex Techs., Inc. v. Crest Group, Inc.*, 499 F.3d 1048, 1052 (9th Cir. 2007); *see also Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 (9th Cir. 2006) (court filings and other matters of public record are judicially noticeable); *Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 981 fn. 18 (9th Cir. 1999) (noting that when considering a motion for judgment on the

1 pleadings, the court may consider facts contained in materials of which the court
2 can take judicial notice).

3 The Court may take judicial notice of Exhibits 1-3 because they are court
4 records filed within the Superior Court of the State of California for the County of
5 Los Angeles. Accordingly, because the exhibits are court records filed within the
6 Superior Court, they are not subject to reasonable dispute. *See Reyn's Pasta Bella*,
7 442 F.3d at 746 fn. 6 (citing *Burbank-Glendale-Pasadena Airport Auth. v. City of*
8 *Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998) for the proposition that courts may
9 take judicial notice of court filings). Accordingly, the City respectfully requests
10 that the Court take judicial notice of Exhibits 1-3, which are attached to this
11 Request for Judicial Notice.

12
13 DATED: April 9, 2025

14 Respectfully submitted,
15 City Attorney's Office of the City of
16 Burbank

17 By: 

18 Rodolfo Aguado III
19 Senior Assistant City Attorney
20 Attorney for Defendants
21 CITY OF BURBANK, MANUEL
22 MALDONADO, RASHAAD
23 COLEMAN, NEIL GUNN, DAVID
24 MEJIA, and SAM ANDERSON
25
26
27
28

Exhibit 1

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
v.
01 LURING TYGRESAUL PAIALII (DOB: 11/14/2000)
Defendant(s).

CASE NO. GA115256

FELONY COMPLAINT

FILED
Superior Court of California
County of Los Angeles

SEP 14 2023

The undersigned is informed and believes that:

COUNT 1

David W. Slayton, Executive Officer/Clerk of Court

By: J. Castillo, Deputy

On or about September 12, 2023, in the County of Los Angeles, the crime of RESISTING EXECUTIVE OFFICER, in violation of PENAL CODE SECTION 69, a Felony, was committed by LURING TYGRESAUL PAIALII, who did unlawfully attempt by means of threats and violence to deter and prevent MANUEL MALDONADO, who was then and there an executive officer, from performing a duty imposed upon such officer by law, and did knowingly resist by the use of force and violence said executive officer in the performance of his/her duty.

* * * * *

COUNT 2

On or about September 12, 2023, in the County of Los Angeles, the crime of RESISTING EXECUTIVE OFFICER, in violation of PENAL CODE SECTION 69, a Felony, was committed by LURING TYGRESAUL PAIALII, who did unlawfully attempt by means of threats and violence to deter and prevent R COLEMAN, who was then and there an executive officer, from performing a duty imposed upon such officer by law, and did knowingly resist by the use of force and violence said executive officer in the performance of his/her duty.

* * * * *

COUNT 3

On or about September 12, 2023, in the County of Los Angeles, the crime of RESISTING EXECUTIVE OFFICER, in violation of PENAL CODE SECTION 69, a Felony, was committed by LURING TYGRESAUL PAIALII, who did unlawfully attempt by means of threats and violence to deter and prevent N GUNN, who was then and there an executive officer, from performing a duty imposed upon such officer by law, and did knowingly resist by the use of force and violence said executive officer in the performance of his/her duty.

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.


NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER GA115256, CONSISTS OF 3 COUNT(S).

Executed at GLENDALE, County of Los Angeles, on September 14, 2023.


K SANCHEZ
DECLARANT AND COMPLAINANT

.....
GEORGE GASCÓN, DISTRICT ATTORNEY

BY: 
MARY SEDGWICK, DEPUTY

AGENCY: BURBANK PD
DR NO.: 237014

I/O: K SANCHEZ
OPERATOR: MS

ID NO.: 12192 PHONE: (818) 238-3247
PRELIM. TIME EST.:

| <u>DEFENDANT</u> | <u>CII NO.</u> | <u>DOB</u> | <u>BOOKING NO.</u> | <u>BAIL RECOM'D</u> | <u>CUSTODY R'TN DATE</u> |
|---------------------------|----------------|------------|------------------------|-------------------------|------------------------------|
| PAIALII, LURING TYGRESAUL | 041591465 | 11/14/2000 | 6667031 | | 09/14/2023 |

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

LURING TYGRESAUL PAIALII

| <u>Ct.</u> | <u>Charge</u> | <u>Charge Range</u> | <u>Allegation</u> | <u>Alleg. Effect</u> |
|------------|---------------|---------------------|-------------------|----------------------|
| 1 | PC 69 | 16-2-3 County Jail | | |
| 2 | PC 69 | 16-2-3 County Jail | | |
| 3 | PC 69 | 16-2-3 County Jail | | |

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

LURING TYGRESAUL PAIALII _____ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

LURING TYGRESAUL PAIALII _____ in Dept _____

at: _____ A.M.

Date: _____

Committing Magistrate

Exhibit 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Burbank Dept. - 1

BURGA115256-01

February 7, 2024

The People of the State of California

8:30 AM

vs.

PAIALII, LURING TYGRESAUL

Honorable Frank M. Tavelman, Judge
M. G. Escobedo, Judicial Assistant

Hilda Gutierrez (#12714), Court Reporter

On People's Motion, Complaint is amended by interlineation to reflect Count 001 as PC69, a Misdemeanor, in lieu of PC69, Felony.

PC69, PC69, PC69

NATURE OF PROCEEDINGS: Preliminary Hearing

The following parties are present for the aforementioned proceeding:

LURING TYGRESAUL PAIALII, Defendant
Hasan K Ramadan, Deputy Public Defender
Robert Alan Cheleden, Deputy District Attorney

The matter is called for Preliminary Hearing.

Written Advisement of Rights and Waivers is filed.

The Defendant is advised of, understands, and personally waives the following rights, the right against self incrimination, the right to confront and cross examine witnesses, the right to produce evidence and present a defense, and the right to a Trial by Court or Jury.

The Defendant is advised of the nature of charges, elements of the offenses, and possible defenses to such charges. The Defendant is advised of the possible consequences of a plea of guilty or nolo contendere, including maximum penalty and administrative sanctions and the possible legal effects and maximum penalties incident to subsequent convictions for the same or similar offenses.

The Defendant is advised that if not a United States citizen, a conviction of the offense charged will have the consequences of deportation, exclusion from admission or reentry to the United States, and denial of naturalization and amnesty.

The Defendant is advised of the effects of probation.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
Criminal Division
Burbank Dept. - 1

BURGA115256-01

February 7, 2024

The People of the State of California
vs.

8:30 AM

PAIALII, LURING TYGRESAUL

Counsel for the Defendant joins in the waiver and concurs in the plea.
The Court finds that each waiver is knowingly, understandingly, voluntarily, and explicitly made.
The Court finds there is a factual basis for the Defendant's plea.
The Court accepts the plea.

As to Count 001: PC69, Misdemeanor, the Defendant enters a plea of Nolo Contendere with the approval of the Court. The Court finds the Defendant guilty.

Disposition as to Count 001, PC69, Misdemeanor: Conviction After Plea

The Defendant waives arraignment for judgment and states there is no legal cause why sentence should not be pronounced. The Court orders the following judgment:

SUPERVISION:

As to Count 001 PC69, Misdemeanor: Imposition of Sentence Suspended
Defendant is placed on **Summary Probation** for a period of **1 Years** upon the following terms and conditions:

CONDITIONS OF SUPERVISION:

FIN01: Make restitution to the victim per Penal Code section 1202.4(f) in an amount to be determined at a hearing.
FIN12: Pay restitution fine pursuant to Penal Code section 1202.4(b) in the amount of \$150.00
FIN13: Pay probation revocation restitution fine pursuant to Penal Code section 1202.44, which may be enforced in the manner provided for the enforcement of money judgment, in the amount of \$150.00
FIN16: Pay court operations assessment fee pursuant to Penal Code section 1465.8(a)(1) in the amount of \$40 per convicted offense for a total of \$40.00
FIN17: Pay criminal conviction assessment fee pursuant to Government Code section 70373 in the amount of \$30 per felony or misdemeanor conviction and \$35 per infraction conviction for a total of \$30.00
WEA04: Do not own, use or possess any dangerous or deadly weapons, including any firearms, knives or other weapons.
PROB20: Submit your person and property to search and seizure at any time of the day or night, by any probation officer or other peace officer, with or without a warrant, probable cause, or reasonable suspicion.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Burbank Dept. - 1

BURGA115256-01

February 7, 2024

The People of the State of California

8:30 AM

vs.

PAIALII, LURING TYGRESAUL

PROB31: Use only your true name, stated to be Luring Paialii

PROB12: Obey all laws and orders of the Court.

PROB26: Defendant acknowledges that they understand and accept each term and condition of formal probation

BLANK01: Defendant is ordered to continue treatment with psychiatrist and be medically compliant as prescribed.

Any mandatory and non-punitive fees or assessments ordered in this case are not conditions of supervision.

Unless otherwise specified, this order constitutes a single grant of supervision for multiple counts, and all terms and conditions imposed apply to all counts.

CONFINEMENT/FINE:

As to Count 001 PC69, Misdemeanor:

The Defendant is ordered to serve 152 Days in Los Angeles County Jail as a condition of probation.

144 days credit for house arrest

The Defendant is given total credit of 152 Days as follows:

4 Days Actual Custody Credit, 144 Days Additional Credit and 4 Days Good Time/Work Time

The Court orders fine/fees waived.

Defendant On Probation.

Disposition as to Count 002, PC69, Felony: Dismissed Due to Plea Negotiation

Disposition as to Count 003, PC69, Felony: Dismissed Due to Plea Negotiation

Exhibit 3

#196

G.I. PC 69 misdemeanor - 12 no SP, OS (4-24-2024), S/S

SUPERIOR COURT OF CALIFORNIA *continued mental health treatment*

COUNTY: **COUNTY OF LOS ANGELES**

PLAINTIFF: **PEOPLE OF THE STATE OF CALIFORNIA**

DEFENDANT: *Loring Paialii*

MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM

FILED
Superior Court of California
County of Los Angeles
FEB 07 2024
David W. Slayton, Executive Officer/Clerk of Court
By: M. Escobedo, Deputy

CASE NUMBER: *GA115256* DEPARTMENT: *1*

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 3**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY

1. I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself

INITIALS ↓

*JP***NATURE OF THE CHARGES (Complete all items you are charged with.)**

2. I understand that I am charged with the following offense(s):

PC 69 misdemeanor

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

3. **If applicable** - I understand that I am also charged with having the following **prior conviction(s)**:

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

4. **If applicable** - I understand that I am also charged with violating the **probation order** in the following case(s):

CASE NUMBER(S) AND DATE(S)

5. I understand the charge(s) against me, and the possible pleas and defenses

CONSTITUTIONAL RIGHTS

3. **RIGHT TO A JURY TRIAL** - I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt
7. **RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me
3. **RIGHT AGAINST SELF-INCRIMINATION** - I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself
1. **RIGHT TO PRODUCE EVIDENCE** - I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me





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*JP**JP**JP**JP**JP**JP**JP*

INITIALS ↓

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| 16. | |
| | |

- 18

Page 2 of 2

MAX.

MAX.

MAX

MAX.

MAX.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

19. I understand that a plea of no contest (*nolo contendere*) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit
20. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case.....

PARTICIPATION IN DEFERRAL OF SENTENCING PILOT (DOSP) PROGRAM

21. I understand I must complete the same obligations that would have been imposed had judgment been entered. The only difference is that if I successfully complete the terms, conditions, or programs ordered by the Court, the arrest upon which sentencing was deferred shall be deemed to have never occurred and the action against me will be dismissed
22. In order to have my plea stricken, I understand that I must complete all conditions ordered by the Court as well as make full restitution. If so ordered, I must also comply with a courtordered protective order, stay-away order, or order prohibiting firearm possession
23. I understand that I must disclose my arrest upon request if I apply for a position as a peace officer, even if the action against me is dismissed upon successful completion of the DOSP Program

CONSEQUENCES OF TERMINATION OF PARTICIPATION IN DOSP PROGRAM

24. I understand if, during the period of deferral, I reoffend or fail to comply with the terms, conditions or programs required by the Court, then I will be sentenced as if deferral had not occurred and the consequences of a plea of guilty or no contest, as stated in Nos. 16-20 above, will apply to me

PLEA(S)

25. I hereby freely and voluntarily plead No Contest to the following:

GUILTY OR NO CONTEST

PC 69 misdemeanor

LIST CHARGE(S)

26. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up this right and agree to be sentenced at this time
27. **If applicable** - I freely and voluntarily admit the other conviction(s) I listed on this form. I understand that this admission will increase the penalties which are imposed on me
28. **If applicable** - I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s)
29. **If applicable** - I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

TEMPORARY JUDGE'S NAME

****DEFENDANT'S SIGNATURE:**

[Signature]

DATE:

2-7-2024

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

SIGNATURE OF DEFENDANT'S ATTORNEY

DATE

02-07-24

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐ Spanish ☐ Other (specify): _____

COURT INTERPRETER'S SIGNATURE

TYPE OR PRINT NAME

DATE

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s), the defendant's admission of the other conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

- ☒ Judge of the Superior Court
☐ Temporary Judge of the Superior Court

F.M. TAVARER

DATE

2/7/24



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 21 pages.

DAVID W. SLAYTON, Executive Officer / Clerk of the Superior Court of California, County of Los Angeles.

Date: 1/16/25 By: D. GLUDINO Deputy

D. GLUDINO

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of April, 2025, my office electronically transmitted the foregoing document to the Clerk's office using the Court's CM/ECF System and thereby served all counsel of record in this matter.

By: /s/ Rodolfo Aguado III
Rodolfo Aguado III